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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,790	03/13/2001	Sean Christopher Martin	A33641 PCT/U	4211

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EXAMINER
HAVAN, THU THAO

ART UNIT	PAPER NUMBER
3691	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/673,790	·MARTIN ET AL.
	Examiner	Art Unit	
	Thu Thao Havan	3624	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 July 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>9-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>9-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

Response to Amendment

Claims 9-18 are pending. This action is in response to the amendment received

July 20, 2006.

Response to Arguments

Applicant's arguments with respect to claims 9-18 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims **9-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Maggioncalda et al. (US 5,918,217) in view of Levine et al. (US 5,745,681).

Re claims **9 and 17**, Maggioncalda teaches a memory storing data defining a plurality

of products/services a user is able to select (fig. 2 (elements 204, 206, 207), said data

comprising for each product/service:

data defining a graphical representation of said product/service (col. 2, lines 12-30; fig.

4);

data defining a number of criteria defining said product/service (col. 8, line 65 to col.

10, line 20; figs. 4 and 9);

data defining a user interface display providing further information on said

product/service (col. 14, lines 49-67; figs. 4 and 9); and

a user interface display comprising a first and second display portion (figs. 4 and 9),

said user interface display being responsive to user input of selection criteria to cause

indications of said input user selection criteria to be displayed in said first display portion and

one or more selected graphical representations of products/services from said memory to be

displayed in said second display portion, said selected graphical representations of

products/services being selected on the basis of a comparison of said input selection criteria

and data defining criteria defining products/services stored in said memory, wherein said

graphical representation displayed in said second display portion are selectable by a user

and said user interface display is responsive to user selection of a graphical representation of

a product/service from said second display portion to generate a user interface display

providing further information on said selected product/service utilizing data stored in said

memory (col. 9, line 65 to col. 12, line 65; figs. 4 and 9). In figures 4 and 9, Maggioncalda

displays a slider bar for a user to interface according to a first, second, and third display

portion. Users can change one or more input decisions for products. The second visual

display is updated to reflect the new set of output results.

However, Maggioncalda does not explicitly teach a user selecting from a plurality of

products/service. Nevertheless, both Maggioncalda and Levine teaches selecting step.

Maggioncalda teaches selecting when he discloses a selected graphical segment may be

resized to correspond in size to a user desired allocation responsive to activation of an input

device. Subsequently, a new set of financial products are recommended while keeping the

allocation of the financial product corresponding to the selected segment fixed at the user

desired allocation. On the other hand, Levine automatically a user selecting from a plurality

of products/service when he discloses selectable icons associated with the browser program

in shopping cart (col. 1, line 50 to col. 2, line 51; col. 5, lines 1-22; figs. 3 and 6). He

discloses the add request contains current selected items from the items selectable in the

new shopping page file and previously selected items in the cart field. The cart list module

at the server converting the cart field of previously selected items to a cart list of previously

selected items, and the add module adds the currently selected items from the add request

to the cart list. Therefore, the cart list contains previously selected items and the current

selected items. Thus, it would have been obvious to one of ordinary skill in the art to

enable a user selecting from a plurality of products/service in decision aid such as the

shopping cart as discloses in Levine.

Re claim **10**, Maggioncalda teaches data defining graphical representations of a

product/service comprises data identifying text or a picture of said product/service (col. 17,

lines 34-67).

Re claim **11**, Maggioncalda teaches user interface display is responsive to user input

of selection criteria to generate a user interface display wherein indications of said input user

selection criteria comprising representations of slider settings identifying said user selection

criteria are displayed in said first display portion (col. 9, line 65 to col. 10, line 67).

Re claim **12**, Maggioncalda teaches user interface display is responsive to user

selection of a graphical representation of a product/service from said second display portion

to generate a user interface display providing further information on said selected

product/service in a third portion of a display at the same time as the display of said first and

second display portion (col. 8, lines 16 to col. 9, line 67; fig. 4).

Re claim **13**, Maggioncalda teaches user interface comprises recommendation logic

responsive to user input of selection criteria to calculate for each product/service for which

data is stored in said memory a score for said product/service and to select graphical

representations for inclusion in said second portion of a generated display on the basis of the

score determined for said product/service utilizing said input selection criteria and data

defining a number of criteria defining said product/service (figs. 2, 4, 7a, and 8).

Re claim **14**, Maggioncalda teaches recommendation logic is operable to rank said

products/services for which data is stored in said memory and order the graphical

representations of said products/services displayed in said second portion of a generated

display on the basis of said ranking (fig. 12a-12b and 14a-14b).

Re claim **15**, Maggioncalda teaches recommendation logic is operable to select a

predetermined number of graphical representations for inclusion in said second portion of a

generated display wherein said selected graphical representations comprise

products/services associated with scores indicative of the best match between said input

selection criteria an data defining a number of criteria defining said products/services (col. 16,

lines 13-63).

Re claim **16**, Maggioncalda teaches recommendation logic is operable to calculate a
score for each product/service according to the following formula (figs. 6 and 7a-7b):

$S_p = f(S_{i,p}, I_i); \ i \in \{1...N\}; \ p \in \{1...Q\}$

Wherein

S_p represents the overall score for a particular product/service p

$F(...)$ represents "a function of"

$S_{i,p}$ represents the individual score for criteria i of product/service p

I_i represents the number of possible selection criteria

Q represents the number of products/services for which data is stored in said memory

(fig. 8). Maggioncalda evaluates the probability distribution.

Re claim **18**, Maggioncalda teaches user terminal is responsive to user selection of a
graphical representation of a product/service from said second display portion to request
further information for a selected product/service from said server and responsive to receipt
of said further information to utilize said further information to generate a display comprising
said user interface display providing further information on said selected product/services (fig.
4). Maggioncalda discloses three displays in one main screen.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner
should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The
examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-

free).

Thu Thao Havan
Art Unit: 3624
9/30/2006